

M E M O R A N D U M

TO : Walter Byars
City Attorney

FROM : Brenda Gale Blalock
City Clerk



RECEIVED
NOV 12 2003
CITY ATTORNEY'S
OFFICE

DATE : November 7, 2003

RE : Driver of Vehicle : Robert Andrew Wermuth
Claim Number : 2003 0346

In reference to the above claim for the City of Montgomery, please find attached copy of the Alabama Uniform Traffic Accident Report and the Accident/Incident Worksheet showing the repair/replacement cost of \$2,444.34 for vehicle number 6210-0388.

I am forwarding for your action.

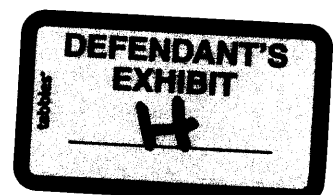
When money is received please deposit in the following account:

Police Dept Vehicle Acct. No. : 001-6210-731-24-01

Thank you.

BGB/thb

ATTACHMENTS



WALTER R. BYARS

CITY ATTORNEY
attorney@ci.montgomery.al.us



KIMBERLY O. FEHL
ASSISTANT CITY ATTORNEY
kfehl@ci.montgomery.al.us

CHARLES ALI EVERAGE
ASSISTANT CITY ATTORNEY
ceverage@ci.montgomery.al.us

November 12, 2003

Mr. Robert Wermuth
948 Garland Drive
Montgomery, AL 36108

Re: Claim for Property Damages to City Vehicle
Date of Incident: September 30, 2003
Claim Number: 2003-0346

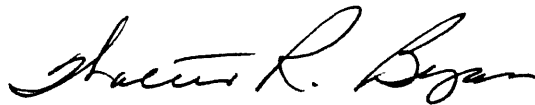
Dear Mr. Wermuth:

This letter serves as the City of Montgomery's claim for property damages incurred as a result of a traffic accident that occurred on September 30, 2003. The enclosed Traffic Accident Report reflects that your vehicle struck a vehicle owned by the City of Montgomery and that you were at fault. The City of Montgomery is seeking reimbursement from you for property damages in the amount of \$2,444.34.

Please contact me to make arrangements for paying the bill. If you were insured at the time of the incident, please provide me with the name of your insurance company, policy number, and your agent's name and telephone number. If you were not insured, you may arrange to make regular payments to the City Clerk's Office until the amount is paid in full.

This letter is to notify you that if you do not contact us within ten (10) days of your receipt of this letter, the City will have no alternative but to initiate appropriate legal action.

Sincerely yours,


Walter R. Byars

WRB/alb

cc: Brenda G. Blalock
Jeff Downes
Chief Wilson

Enclosure

ALABAMA UNIFORM TRAFFIC ACCIDENT REPORT

Case 2:05-cv-00644-CSC Document 6-9 Filed 08/24/2005 Page 3 of 13

Sheet 1 of 1 Sheet(s) Microfilm No. Local Case No.

Areas To Be Used By Data Processing Only

Date: 9/30/2003 Time: 0411 AM Day of Week: M W TH F S S County: 03 Montgomery City: Rural Highway Classification: I-Interstate S-State M-Municipal Local Zone: 12
F-Federal C-County P-Private Prop. Q-Other

On Street, Road or Highway: Hill St. At Intersection of or Between (Node 1): Day St. And (Node 2):

Intersection Related: 1-Node 1 2-Node 2 Mile Post: 1.0 WIA Control Access: 1-Main Rd 3-Interchange 5-Exit Ramp 2-Frontage Rd 4-Entrance Ramp 6-N/A

First Harmful Event: 20 Location: 1 Distance to Fixed Object: 3 FT. No. of Vehicles: 2 No. Pedestrians: 0 No. Injured: 0 No. Fatalities: 0

Driver Full Name: Robert Andrew Wermuth 948 Garland Dr. Montgomery AL 36108 Telephone No. 36108

DL Class: N DL Status: N List Restrictions: Not Complied With CDL Status: N List Endorsements: Not Complied With Residence Less Than 25 Miles: Yes

Place of Employment: UNEMPLOYED Liability Insurance Co.: NONE Social Security No.: 434-980085

Driver Condition: 1-No Defect 2-Apparently Asleep 3-Fatigued 4-III 5-Unknown Sobriety: 0 Officer's Opinion: 0 Alcohol: 0 Yes No Unk Type Test: 0 No Test 1-Blood Test 2-Breath Test 3-Urine Test 4-Unable to Administer 5-Refused Test

Maneuver: 18 Travel Road Name: Hill St. Road Code: 99 Other Contr. Circumstance: 20 Prime Harm Event: 1 Event Loc: 1

Veh Year: 1989 Make: Jeep Model: Cherokee Body: 4-Door V.I.N.: 1J4FT58LKL454041 License Tag Number: 3A2297K State: AL Year: 04

Owner's Name: Marshall L. Humphrey 948 Garland Dr. Montgomery AL 36108

Vehicle Type: 1-Auto 11-Moped 2-StaWagon 12-M. Scooter 3-Pick Up 13-Pedal Cycle 4-Van 14-Farm Mach. 5-Truck Tractor 15-Train 6-Other Truck 16-Road Equip. 7-Comm. Bus 17-Ridden Animal 8-School Bus 18-M. Home (R.V.) 9-Other Bus 19-ATV 10-Motorcycle 98-Other

Usage: 1-Personal 10-Police 2-Driver Trng. 11-Other Business 3-Construction 12-Bus/Pass. 4-Ambulance/Paramedical Transport. 13-Fire Fighting 98-Other 5-Military 6-Taxi 7-Transport Prop. 8-Agriculture 9-Wrecker/Tow

Hazardous Cargo: 1-None 2-Explosive 3-Gas 4-Flam/Combust Liq. 5-Flammable Solids 6-Oxidizer/Peroxide 7-Poison 8-Radioactive Matl. 9-Corrosive Material 98-Other

Attachment: 1-None 2-Mobile Home 3-Semi Trailer 4-Utility Trailer 5-4-Wheel Trailer 6-Boat Trailer 7-Camper Trailer 8-Towed Vehicle 9-Tanker 10-Pole Trailer 11-Double Trailer 98-Other

Contributing Defect: 1-None 2-Brakes 3-Steering 4-Suspension 5-Tires 6-Exhaust 7-Lights 8-Turn Signal 9-Windows/W. Shield 10-Restraint Sys. 11-Wheels 12-Truck Coupling 13-Cargo 14-Fuel System 98-Other 99-Unknown

Circle areas Damaged On Diagram: 10 Under Carriage 11 Attachment

Speed Limit: 25 MPH Est. Speed: 99 MPH Citation Offense Charged: None Damage Severity: 1-None Visible 2-Not Disabled 3-Disabled Vehicle Towed Away? Yes No Occupants in Unit: 1 Total Injuries in Unit: 0

Vehicle Towed By Whom: N/A To Where: N/A

Driver/Pedestrian Full Name: Shannon Carroll Youngblood 32 Circle L Trail Wetumpka AL 36092 Telephone No. 36092 241-2932

DL Class: D C DL Status: N List Restrictions: Not Complied With CDL Status: N List Endorsements: Not Complied With Residence Less Than 25 Miles: Yes

Place of Employment: City of Montgomery - Police Department Liability Insurance Co.: Self Insured Social Security No.: 258-11-3304

Driver/Ped Condition: 1-No Defect 2-Apparently Asleep 3-Fatigued 4-III 5-Unknown Sobriety: 0 Officer's Opinion: 0 Alcohol: 0 Yes No Unk Type Test: 0 No Test 1-Blood Test 2-Breath Test 3-Urine Test 4-Unable to Administer 5-Refused Test

Maneuver/Action: 98 Travel Road Name: Hill St. Road Code: 99 Other Contr. Circumstance: 20 Prime Harm Event: 1 Event Loc: 1

Veh Year: 01 Make: Ford Model: CV Body: 4-Door V.I.N.: 2FAFP71W11X137605 License Tag Number: 36027 MU State: AL Year: NE

Owner's Name: City of Montgomery City Shops 934 N. Ripley St. Montgomery AL 36109

Vehicle Type: 1-Auto 11-Moped 2-StaWagon 12-M. Scooter 3-Pick Up 13-Pedal Cycle 4-Van 14-Farm Mach. 5-Truck Tractor 15-Train 6-Other Truck 16-Road Equip. 7-Comm. Bus 17-Ridden Animal 8-School Bus 18-M. Home (R.V.) 9-Other Bus 19-ATV 10-Motorcycle 98-Other

Usage: 1-Personal 10-Police 2-Driver Trng. 11-Other Business 3-Construction 12-Bus/Pass. 4-Ambulance/Paramedical Transport. 13-Fire Fighting 98-Other 5-Military 6-Taxi 7-Transport Prop. 8-Agriculture 9-Wrecker/Tow

Hazardous Cargo: 1-None 2-Explosive 3-Gas 4-Flam/Combust Liq. 5-Flammable Solids 6-Oxidizer/Peroxide 7-Poison 8-Radioactive Matl. 9-Corrosive Material 98-Other

Attachment: 1-None 2-Mobile Home 3-Semi Trailer 4-Utility Trailer 5-4-Wheel Trailer 6-Boat Trailer 7-Camper Trailer 8-Towed Vehicle 9-Tanker 10-Pole Trailer 11-Double Trailer 98-Other

Contributing Defect: 1-None 2-Brakes 3-Steering 4-Suspension 5-Tires 6-Exhaust 7-Lights 8-Turn Signal 9-Windows/W. Shield 10-Restraint Sys. 11-Wheels 12-Truck Coupling 13-Cargo 14-Fuel System 98-Other 99-Unknown

Circle areas Damaged On Diagram: 10 Under Carriage 11 Attachment

Speed Limit: 25 MPH Est. Speed: 99 MPH Citation Offense Charged: None Damage Severity: 1-None Visible 2-Not Disabled 3-Disabled Vehicle Towed Away? Yes No Occupants in Unit: 1 Total Injuries in Unit: 0

Vehicle Towed By Whom: N/A To Where: N/A

Contributing Circumstances: 01-Improper Passing 13-Improper Driving Environ 25-Veh Pushed by Person 26-Veh Left Road 27-Driver Not in Control 28-Load Shift 29-Parts/Cargo from Veh 30-Ped Violation 31-Veh Wgt/Hgt/Lngth 32-Ped Under Influence 33-Illegal/Improper Parking 37-None 38-Wrong Side of Road 39-Other 40-Veh Pushed/Towed by Veh

Driver Maneuver: 01-Go Straight Ahead 02-Pass on Left 03-Pass on 1-Way Street 04-Pass on Right 05-Go Straight-Left Turn Lane 06-Go Straight-Right Turn Lane 07-Change Lanes-Left 08-Change Lanes-Right 09-Merge-Left 10-Merge-Right 11-Wrong Side of Road 12-Wrong Way-1-Way

13-Right Turn 14-Left Turn 15-U-Turn 16-Start from Park 17-Start in Traffic 18-Stopping/Stopping 19-Stopped in Traffic 20-Avoid Object in Road 21-Entering Private Road/Property 60-PedCyc Ride with Traffic in Road 61-PedCyc Ride with Traffic off Road 62-PedCyc Ride Against Traffic in Rd

63-PedCyc Ride Against Traffic off Rd 64-PedCyc Ride Across Road 65-PedCyc Ride in Bike Path 70-Enter Parked Position 71-Parked-Legally 72-Parked-Illegally 81-Backing 86-Pushed by Vehicle 87-Pushed by Pedestrian 98-Other 99-Unknown

Pedestrian Action: 01-Cross/Enter-Intersection 02-Cross/Enter-Other 03-Walk in Road-With Traffic 04-Walk in Road-Against Traffic 05-Stand in Roadway 06-Get on/off Vehicle 07-Push/Work on Vehicle 08-In Road-Other Work 09-In Road-Playing 10-In Road-Other 11-Not in Road 98-Other 99-Unknown

Event Loc: 1-On Roadway 2-Off Roadway 3-Median 4-Driveway 5-Private Road Property 6-In Intersection

CODES

SAFETY EQUIPMENT

01 - None Installed
95 - Not Applicable
99 - Unknown (Any Type)

Lap Belt Only
11 - Fastened
12 - Not Fastened

Lap/Shoulder Harness

21 - Lap Only Used
22 - Neither Used
23 - Shoulder Only Used
24 - Both Used

Motorcycle Helmet

31 - None Used
32 - Used

Air Bags

41 - Deployed, Belts Used
42 - Not Deployed, Belts Used
43 - Deployed, Belts Not Used
44 - Not Deployed, Belts Not Used

Child Restraints

81 - Child Restraint Used
82 - Other Restraint Used
83 - None Used

Pedal Cycle/Pedestrian

91 - Contrasting Clothing
92 - Non-contrasting Clothing

SEATING

1	2	3	10
4	5	6	11
7	8	9	

12 - Pedestrian
13 - Rider of Domestic Animal
14 - Occ. of Non-Motorized Vehicle
15 - Victim of Other Circumstance/
Codes Not Applicable

Other Involved
Safety Equipment

2	3	4	5	6	11
7	8	9			

12 - Pedestrian
13 - Rider of Domestic Animal
14 - Occ. of Non-Motorized Vehicle
15 - Victim of Other Circumstance/
Codes Not Applicable

Other Involved
Safety Equipment

VICTIMS

N/A



CODES

K - Killed
B - Bruise/Abrasion/Swelling

Injury Type
A - Visible or Carried from Scene
C - Not Visible—Has Pain/Faint

N - Not
F - Fully
P - Partially

Ejected
T - Trapped
U - Unknown
A - Not Applicable

A - Ambulance Attended
D - Doctor

First Aid By
M - Paramedic
O - Other

P - Police
U - Unknown
N - None

NARRATIVE AND DIAGRAM

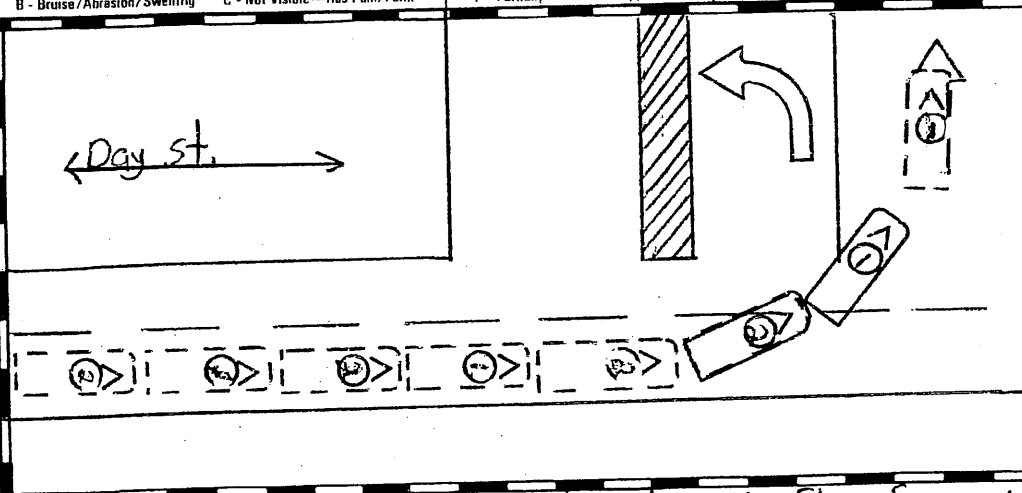


Diagram not
to scale

Officer's Opinion of What Happened: Vehicle 1 was attempting to flee from vehicle 2 at which time vehicle 1 made a sudden left hand turn causing vehicle 2 to collide into the rear of vehicle 1. Vehicle 1 then continued south bound on Hill St.

N/A

N/A

ROADWAY ENVIRONMENT

For Each Roadway Environment Field, Circle One Entry for Each Involved Unit:

Unit 1	Contributing Road Defects	Surface Construction	Condition	Accident In Or Related To Road Construction Zone?	Material In Roadway (Contributing)	Material Source	Character
1	1 - Shoulders Low	1 - Asphalt	1 - Dry	1 - None	1 - None	1 - Not Applicable	1 - Straight—Level
2	2 - Shoulders High	2 - Concrete	2 - Wet	2 - Rocks	2 - Gravel	2 - Natural Environment	2 - Straight—Down Grade
3	3 - Holes, Bumps, Etc.	3 - Brick	3 - Icy	3 - Trees/Limbs	3 - Oil/Petrol	3 - Dropped From Vehicle	3 - Straight—Up Grade
4	4 - Other	4 - Unpaved	4 - Snowy/Slushy	4 - Dirt	4 - Other	4 - Already in Road, But Fell From Vehicle	4 - Straight—Hillcrest
5		5 - Other	5 - Muddy			5 - Curve—Level	5 - Curve—Level
6						6 - Other	6 - Curve—Down Grade
7						7 - Unknown	7 - Curve—Up Grade
8							8 - Curve—Hillcrest
9							9 - Curve—Hillcrest

INVESTIGATION

Light	Weather	Locale	Non-Vehicular Property Damage	Property Damage Description
1 - Daylight 2 - Dawn 3 - Dusk 4 - Darkness—Road Not Lit 5 - Darkness—Road Lit	1 - Clear 2 - Cloudy 3 - Rain 4 - Snow 5 - Sleet/Hail 6 - Crosswind 7 - Fog 8 - Other	1 - Open Country 2 - Residential 3 - Shop/g or Business 4 - Mfg. or Industrial 5 - School 6 - Playground 8 - Other	1 - None Visible 2 - Light 3 - Moderate 4 - Severe	Description: Owner: N/A Address: Telephone:
Time Police Notified	Time Police Arrived	Time EMS Arrived	Name of Photographer	Supervisor Reviewed
AM PM MT	AM PM MT	AM PM MT	N/A	
Witness Full Name	Address	Address	Address	Telephone
Witness Full Name	Address	Address	Address	Telephone
Name of Investigating Officer	Officer ID	Agency ORI	Agency ORI	Supervisor Reviewed
R.D. Calhoun	1294	0030100	0030100	
Name of Other Investigating Officer(s) at Scene	Officer ID	Agency ORI	Agency ORI	

The data on this report reflects my best knowledge, opinion and belief covering the accident, but no warrant is made as to the factual accuracy thereof.

Date 9/30/13

ACCIDENT/INCIDENT WORKSHEET

VEHICLE # 6210-0388 VIN# 2FAFP71W11X137605MAKE, YEAR & MODEL Ford 2001 Crown VicDATE OF ACCIDENT 9-30-03DATE BROUGHT TO SHOP 9-30-03 RETURNED TO SERVICE 10-8-03

SUMMARY OF COSTS:

LABOR/MAN HOURS 32.00 hrs @ \$ 35.00 = \$ 1120.00MATERIALS \$ PARTS/SUBLET COSTS \$ 1324.34WRECKER FEES \$ VENDOR FEES \$ TOTAL COST TO REPAIR VEHICLE \$ 2444.34

REMARKS:

Print key output CITY400 11/05/03 Page 1
10:49:50

5769SS1 VAR5M0 000526
Display Device GAR06
User THOMAS

FM371I01 CITY SHOPS DEPARTMENT 11/05/03
Display Parts Transactions 10:49:12

Equip/Reference/Desc : 388 / 6210-0388 / POLICE PACKAGE BSW
Control/Job order/System : 332471 / 1 / 4300 BODY EXTERIOR
Discrepancy REPAIR WRECK DAMAGE

Type option. press enter.
5=Display

Trans type	Issue date	Loc.	Part number/ Description	Cost chg.	Quantity issued	Cost 17.90	Post date
IO	10/08/03	AP	1 ADDITIVES -	26340 P	3.00	10/08/03	
IO	10/08/03	AP	2 ADDITIVES -	26340 P	2.00	10/08/03	
IO	10/06/03	AP	1 ADDITIVES -	26334 P	1.00	10/06/03	
IO	10/06/03	AP	1 PAINTS & SANDPAPER -	01205	1.00	10/06/03	
Totals:				Extended cost	Markup amount	Total cost	
				1324.34	0.00	1324.34	

F3=Exit F12=Cancel

FD-302 (Rev. 11-27-70)

5769881 VAR5M0 000526 Print key output

CITY400

11/05/03

Page 1
10:50:00

Display Device : GAR06
User : THOMAS

FM371101

CITY SHOPS DEPARTMENT
Display Parts Transactions

11/05/03
10:49:12

Equip/Reference/Desc : : 388 / 6210-0388 / POLICE PACKAGE B&W
Control/Job order/system : : 332471 / 1 / 4300 BODY EXTERIOR
Discrepancy : REPAIR WRECK DAMAGE

Type option, press enter.
5=Display

Trans type	Issue date	Loc.	Part number/ Description	Cost chg.	Quantity issued	Cost	Post date
1R	10/20/03	N	AAA9	P	1.00	122.00	10/20/03
	222292		PAINT TO REPAIR WRECK DAMAGE INV27093				

Totals: Extended cost 1324.34 + Markup amount .00 = total cost 1324.34 +

F3=Exit F12=Cancel

5769881 WAR5M0 000526 Print Key Output

CITY400

11/05/03

Page 1
10:50:50

Display Device : GAR06
User : THOMAS

FM340I01

CITY SHOPS DEPARTMENT
Display Labor Transactions

11/05/03
10:50:47

Equip/Reference	388 / 6210-0388
Description	POLICE / PACKAGE B&W
Control/Job order	3324/1 /
System	4300 BODY EXTERIOR
Discrepancy	REPAIR WRECK DAMAGE
Incentive hours earned00 2 decimals
Adjusted00 2 decimals
Total00 2 decimals

St date	Emp	Actn	Time	Hours	Worked	Labor	rates	Cost
End date	number	taken	On Off	Reg.	O.T.	Reg.	O.T.	
10/08/03	395	16	6:30 9:30	3.00	.00	35.00	52.50	105.00
10/08/03	MOSLEY							
9/29/03	395	40	6:30 14:00	7.50	.00	35.00	52.50	262.50
9/29/03	MOSLEY							

Totals: Reg. hours 32.00 + O.T. hours .00 = Total hours 32.00 Total cost 1120.00

F3=Exit F12=Cancel

5769881 VAR5M0 000526 Print key output CITY400

11/05/03 Page 1
10:50:56

Display Device : GAR06
User : THOMAS

FM340101

CITY SHOPS DEPARTMENT
Display Labor Transactions

11/05/03
10:50:47

Equip/Reference : 388 / 6210-0388
Description : POLICE PACKAGE B&W
Control/Job order : 332471 /
System : 4300 BODY EXTERIOR
Discrepancy : REPAIR WRACK DAMAGE
Incentive hours earned : .00 2 decimals
Adjusted : .00 2 decimals
Total : .00

St date	Employee number	Actn	On	Off	Reg.	O.T.	Reg.	O.T.	Cost
9/30/03	395	40	6:30	14:00	7.50	.00	35.00	52.50	262.50
10/01/03	395	40	6:30	14:00	7.50	.00	35.00	52.50	262.50
10/01/03	395	40	6:30	14:00	7.50	.00	35.00	52.50	262.50

Totals: Reg. hours 32.00 + O.T. hours .00 = Total hours 32.00 Total cost 1120.00

F3=Exit F12=Cancel

5769881 VAR5M0 000526 Print Key Output

CITY400

11/05/03 Page 1
10:51:01

Display Device : GAR06
User : THOMAS

FM340101

CITY SHOPS DEPARTMENT
Display Labor Transactions

11/05/03
10:50:47

Equip/Reference : 388 / 6210-0388
Description : POLICE / PACKAGE B&W
Control/Job order : 332471 /
System : 4300 BODY EXTERIOR
Discrepancy : REPAIR WRECK DAMAGE
Incentive hours earned : .00 2 decimals
Adjusted : .00 2 decimals
Total : .00 2 decimals

St date	Emplyee number	Actn taken	On	Time	Off	Reg.	O.T.	worked	Reg.	O.T.	Cost
10/02/03	395	40	6:30	9:00	2.50	.00	35.00	52.50	87.50		
10/03/03	395	40	6:30	9:00	2.50	.00	35.00	52.50	87.50		
10/03/03	MOSELEY										
10/03/03	MOSELEY										

Totals: Reg. hours 32.00 + O.T. hours .00 = Total hours 32.00 Total Cost 1120.00

F3=Exit F12=Cancel

5769881 VAR5M0 000526 Print Key Output

CITY400

11/05/03

Page 1
10:51:06

Display Device GAR06
User THOMAS

FM340101

CITY SHOPS DEPARTMENT
Display Labor Transactions

11/05/03
10:50:47

Equip/Reference	388 / 6210-0388
Description	POLICE PACKAGE B&W
Control/Job order	3324/1
System	4300 BODY EXTERIOR
Discrepancy	REPAIR WRECK DAMAGE
Incentive hours earned00 2 decimals
Adjusted00 2 decimals
Total00 2 decimals

St date	Employee	Actn	Time	Hours worked	Labor rates	Cost
10/09/03	number	takn	On Off	Reg. O.T.	Reg. O.T.	
10/09/03	395	40	6:30 8:00	1.50	.00	52.50
10/09/03	MOSELEY					

Totals:	Reg. hours	O.T. hours	Total hours	Total cost
	32.00	.00	32.00	1120.00

F3=Exit F12=Cancel

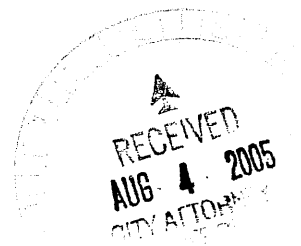
MetLife Auto & Home

MetLife Auto & Home is a brand of
Metropolitan Property and Casualty Insurance Company
and its Affiliates, Warwick, RI

NSA205880
CITY OF MONTGOMERY CITY SHOPS
934 RIPLEY ST.
MONTGOMERY, AL 36109

INSURED: MARTHA L HUMPHREY
CLAIMANT: City Of Montgomery Cit y Shops

PAYMENT FOR SATISFACTION OF SUBROGATION CLAIM
FOR LOSS OF 09-30-03



J5 GI GI 0967087 *

MetLife Auto & Home

PO BOX 2013
AURORA IL 60507

0893 1-2/210

Pay to the Order of:

PAYMENT FOR SATISFACTION OF SUBROGATION CLAIM
FOR LOSS OF 09-30-03

Check Number
002385556

TIN
Claim No.
NSA205880

Not Valid Before
07-29-2005

Void Nine (9) Months
After This Date

CITY OF MONTGOMERY CITY SHOPS
934 RIPLEY ST.
MONTGOMERY, AL 36109

Amount
*******\$2,444.34**

JP Morgan Chase Bank
One Chase Manhattan Plaza
New York, NY 10081

Anthony J. Wells
SENIOR VICE-PRESIDENT AND TREASURER

⑈002385556⑈ ⑆021000021⑆ 0023008931⑈